



BELL, BOYD & LLOYD LLC
P. O. BOX 1135
CHICAGO IL 60690-1135

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Anthony J. Baerlocher et al. :
Application No. 09/933,843 :
Filed: August 20, 2001 :
Attorney Docket No.: 0112300-898 :

This is a decision on the petition filed March 28, 2005 to withdraw the holding of abandonment for the above-identified application. The petition is treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on April 23, 2004, for failure to timely submit a timely response to the Office Action mailed March 22, 2005 and which set a thirty (30) day period for reply. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment and a post card receipt date stamped April 12, 2004 by the USPTO.

A search of the application file and the USPTO records does not reveal receipt of the response, but the evidence submitted corroborates a timely response to the non-Final Office Action.

Accordingly, the holding of abandonment is hereby withdrawn. No petition fee is necessary and none has been charged.

This matter will be referred to Technology Center 3713 for appropriate action on the amendment filed April 12, 2004, a copy of which was submitted upon petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions